

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

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69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. CHCV-006-0006

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and Defendant:

JICARILLA APACHE NATION

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, Subfile No. CHCV-006-0006, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

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3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendant adjudicated by this order.
4. The agreed upon elements of the right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, Subfile CHCV-006-0006, are set forth below:

A. IRRIGATED LANDS (Groundwater Only):

Office of the State Engineer Files No(s): NONE

Priority: August 14, 1963

Source of Water: Underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin

Purpose of Use: IRRIGATION

Point of Diversion:

Well: VAUGHN WELL NO. 1

Location: X= 1,554,039 feet **Y=** 2,143,216 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant

	<u>72.4 acres</u>
Total	72.4 acres

As shown on the 2003 Hydrographic Survey Map CHCV-6.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. NO RIGHT (Surface Water):

Office of the State Engineer Files No(s): NONE

Priority: NONE

Source of Water: Surface water of an unnamed drainage, a tributary of the Rio Chama

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: UNNAMED DITCH NO. 3

Location: X= 1,551,886 feet Y= 2,134,764 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of acreage:

Within the Tierra Amarilla Grant

	<u>43.7 acres</u>
Total	43.7 acres

As shown on the 2003 Hydrographic Survey Map CHCV-6.

Amount of Water: NONE

C. IRRIGATED LANDS (Groundwater Only):

Office of the State Engineer Files No(s): RG-25502

Priority: April 25, 1964

Source of Water: Underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin

Purpose of Use: IRRIGATION

Point of Diversion:

Well: IRON SPRING WELL

Location: X= 1,554,850 feet Y= 2,127,901 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant

	<u>36.5 acres</u>
Total	36.5 acres

As shown on the 2003 Hydrographic Survey Map CHCV-6.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

D. IRRIGATED LANDS (Groundwater Only):

Office of the State Engineer Files No(s): RG-25502

Priority: August 14, 1963

Source of Water: Underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin

Purpose of Use: IRRIGATION

Point of Diversion:

Well: IRON SPRING WELL

Location: X= 1,554,850 feet **Y=** 2,127,901 feet

Well: VAUGHN WELL NO. 1

Location: X= 1,554,039 feet **Y=** 2,143,216 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant

	<u>24.2 acres</u>
Total	24.2 acres

As shown on the 2003 Hydrographic Survey Map CHCV-6.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.


5. Defendant has no surface or groundwater rights in the Rio Chama Stream System, Village of Chama, Section 7, other than those set forth in this order and other orders entered by this Court in this cause.
6. The entry of this order shall have no effect upon Defendant's claims or water rights

of Defendant associated with unlicensed impoundments or domestic uses of water in the Rio Chama Stream System, Village of Chama, Section 7. This order is limited to Defendant's surface and groundwater rights for irrigation in the Rio Chama Stream System, Village of Chama, Section 7 under Subfile CHCV-006-0006.

7. Defendant, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the water rights described herein and in other orders of the Court.
8. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

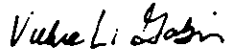
IT IS THEREFORE ORDERED that the rights of the Defendant to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, for irrigation under Subfile CHCV-006-0006, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:



VICKIE L. GABIN
SPECIAL MASTER

Accepted:



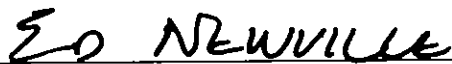
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